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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/002,388      | 11/30/2001  | James C. Wilshire    | K35A1001            | 1045             |

35219 7590 03/22/2006

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EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2621

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/002,388

Applicant(s)

WILSHIRE, JAMES C.

Examiner

HELEN SHIBRU

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10-11, and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ono (US PG PUB. 2002/0031330A1).

Regarding claim 1, Ono discloses a method of storing a plurality of audio/video (A/V) programs on a storage medium for presentation to a viewer, comprising:

receiving a transport stream structured in packets and representing a plurality of A/V programs, each A/V program represented by a plurality of packets and identified by program identification data in each packet (see fig. 3, fig. 5, fig. 16 and paragraph 0083 in page 5). ;

detecting the program identification data of each received packet (see fig. 7 and page 5 paragraphs 0083-0084);

storing data of packets relating to a single A/V program in a buffer portion separate from buffer portions for data of packets having program identification data related to different A/V programs (see fig. 3 and page 5 paragraph 0085-0086, the AV data and the PID are recorded in separate place in unit 103 of fig. 3); and

transferring the data of the packets from the separate buffer portions to separate storage files in a storage medium, each storage file storing only data of the packets having program

identification data related to a single A/V program (see fig. 3 recording MPEG2-TS and page 6 paragraph 0091, page 8 00126-0127, and page 9 0135).

Regarding claim 2, Ono discloses the A/V program includes at least one of a video program, an audio program and data content (see page 1 paragraph 0004, page 6 paragraph 0097, page 8 paragraph 0127).

Regarding claim 3, Ono discloses the transferring includes storing the data of the packets in separate storage files of a hard disk drive (see claim rejection of 1 and page 5 paragraphs 0078-0080).

Regarding claim 4, Ono discloses selectively overwriting or deleting one or more storage files (see page 11 paragraph 0168).

Regarding claim 5, reading from a storage file while playing back a recorded A/V program (see page 6 paragraph 0088-0089).

Regarding claim 6, a packet of a transport stream includes a program association table and a program map table that describe the A/V program of the transport stream (see page 6 paragraph 0091)

Regarding claim 7, Ono discloses reading from a file while playing back a recorded A/V program, wherein the reading occurs in accordance with the program identification data, program association table and program map table (see page 6 paragraph 0088-0092).

Regarding claim 8, Ono discloses the packet further includes a conditional access table that enables a user to subscribe to a conditional access service (see page 5 paragraphs 0073 and 0076).

Claims 10-11 are rejected for the same reason as discussed in claims 1-2 above.

Claims 13-14 are rejected for the same reason as discussed in claims 3-4 above.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono in view of Yoo (US Pat. No. 6,973,258).

Regarding claims 9 and 12, claims 9 and 12 are differ from Ono in that the claims further require receiving the data stream includes receiving the transport stream over an interface in accordance with the IEEE-1394 specification. Although Ono failed to specifically disclose receiving the transport stream over IEEE-1394, Ono discloses the transport streams are inputted from digital broadcast receiving unit (see abstract).

In the same field of endeavor Yoo discloses the transport streams are transmitted through IEEE-1394 isochronous bus (see col. 4 lines 30-64). Therefore in light of the teaching in Yoo it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an IEEE-1394 bus in order to stream audio and video data in a certain amount of bandwidth.

***Allowable Subject Matter***

5. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hatanaka et al. (US Pat. No. 6,397,000).

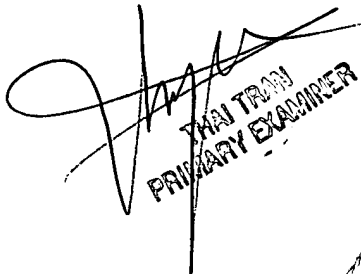
Fujita et al. (US PG PUB 2003/0147391 A1).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
March 16, 2006

  
THAI TRAN  
PRIMARY EXAMINER